

Application No. 10/711,988
Docket No. A4-1854
Amendment dated May 6, 2005
Reply to Office Action of February 7, 2005

REMARKS

In the Office Action, the Examiner reviewed claims 1-20 of the above-identified US Patent Application, with the result that claims 1-5, 15-18, and 20 were rejected under 35 USC §103, claims 9-14 were rejected under 35 USC §101 as claiming the same invention as claims 10-15 of commonly-assigned U.S. Patent No. 6,820,347 (of which this application is a divisional), and claims 6-8 and 19 were deemed to recite allowable subject matter. In response, Applicant has amended the specification and claims as set forth above. More particularly:

The specification has been amended at paragraph [0004] to correct a clerical error.

Independent claim 1 has been amended to incorporate those limitations from claim 6 that Applicant believes patentably distinguishes his invention from the prior art, as well as all limitations of claim 5 (from which claim 6 depends), namely, support means that enables a freestanding micrometer (12) to travel along a longitudinal length of a cylindrical body (40) and comprises wheels (30) having axes of rotation oriented in a substantially vertical direction when supporting the housing (14) on the surface of the cylindrical body (40).

Claim 5 has been canceled (without prejudice) and claim 6 has been

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amended in view of the above-noted amendments to their parent claim 1.

Independent claim 9 has been rewritten to be directed to an electronic profile acquisition micrometer system (10) that requires means for supporting a micrometer unit (12) on a surface of a cylindrical body (40) while the cylindrical body (40) is oriented so that its longitudinal axis is approximately horizontal, the supporting means comprises wheels (30) disposed so as to contact the surface of the cylindrical body (40) when the unit (12) is supported on the surface by the supporting means, each wheel (30) has an axis of rotation oriented in a substantially vertical direction when the unit (12) is supported by the supporting means on the surface of the cylindrical body (40), and means (22,26,28,38) for determining the diameter of the cylindrical body (40) as the unit (12) travels on the surface along a longitudinal length of the cylindrical body (40) while the wheels (30) contact the surface of the cylindrical body (40) and the axes of rotation of the wheels (30) are substantially vertical. Support for these amendments can be found in paragraph 19 of the specification.

Dependent claims 10-12 have been amended for consistency with their amended parent claim 9.

Independent claim 15 has been amended to cancel the recitations of the positioning and producing steps and to recite the steps carried out by the supporting and determining means of claim 9, namely, the housing (14) is

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supported with wheels (30) that contact the surface of the cylindrical body (40) and have axes of rotation oriented in a substantially vertical direction while supporting the housing (14) on the surface of the cylindrical body (40), and that during the determining step the housing (14) is caused to travel on the surface along a longitudinal length of the cylindrical body (40) while the wheels (30) contact the surface of the cylindrical body (40) and the axes of rotation of the wheels (30) remain substantially vertical. Support for these amendments can be found in original claim 19 and paragraph 19 of the specification.

Dependent claim 16 has been amended to recite the steps canceled from its parent claim 15.

Dependent claim 17 has been rewritten in independent form to recite a method by which the first measurement means (32) is selectively positioned using the graduations (18) on the arm (16), as disclosed at paragraph 23 of the specification.

Dependent claims 18 and 19 have been amended in view of the above-noted amendments to their parent claim 15.

Applicant believes that the above amendments do not present new matter. Favorable reconsideration and allowance of remaining claims 1-4 and 6-20 are respectfully requested in view of the above amendments and the following comments.

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Rejections under 35 USC §103

Under the §103 rejections, primary reference U.S. Patent No. 4,322,888 to Garzione was cited for disclosing a gauge that includes support means, while secondary references U.S. Patent No. 4,729,174 to Caron et al. (Caron) and U.S. Patent No. 5,052,121 to Wachtler were cited for data communication means and a temperature sensor, respectively. However, none of these references were cited as disclosing a gauge comprising wheels whose axes of rotation are oriented in a substantially vertical direction when supporting a gauge (or other micrometer unit) on a surface of a cylindrical body. Applicant believes that the references also lack any suggestion for wheels oriented in the manner required by the pending claims, and therefore respectfully requests withdrawal of the rejections of claims 1-5, 15, 16, 18, and 20 under 35 USC §103.

Applicant also believes that these references do not disclose the method recited in claim 17, by which the first measurement means (32) is selectively positioned using the graduations (18) on the arm (16). Applicant therefore also respectfully requests withdrawal of the rejection of claim 17 under 35 USC §103.

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Rejection under 35 USC §101

Claims 9-14 were rejected under 35 USC §101 as claiming the same invention as claims 10-15 of commonly-assigned U.S. Patent No. 6,820,347.

Applicant believes that, as now extensively amended, independent claim 9 and its dependent claims 10-14 do not claim the same invention as claims 10-15 of US 6,820,347. As such, Applicant respectfully requests withdrawal of the double patenting rejection under 35 USC §101.

Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

By 
Gary M. Hartman
Reg. No. 33,898

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Hartman & Hartman, P.C.
Valparaiso, Indiana 46383
TEL.: (219) 462-4999
FAX: (219) 464-1166

Attachments: Fee Transmittal Form